

State of California
AIR RESOURCES BOARD

**Final Statement of Reasons for Rulemaking,
Including Summary of Comments and Agency Response**

PUBLIC HEARING TO CONSIDER THE PROPOSED 2018 AMENDMENTS TO AREA
DESIGNATIONS FOR STATE AMBIENT AIR QUALITY STANDARDS

Public Hearing Date: **February 21, 2019**
Agenda Item No.: **19-2-3**

I. GENERAL

The Staff Report: Initial Statement of Reasons for Rulemaking (Staff Report), Proposed 2018 Amendments to Area Designations for State Ambient Air Quality Standards, released December 31, 2018, is incorporated by reference herein. The Staff Report, which is incorporated by reference herein, contained a description of the rationale for the proposed amendments. On December 31, 2018, all references relied upon and identified in the Staff Report were made available to the public.

On February 21, 2019, the California Air Resources Board (CARB or Board) adopted amendments to the area designation regulations by Resolution 19-5. Based on data collected during 2015 through 2017, the Board adopted amendments which changed the area designations for ozone and nitrogen dioxide. For ozone, in the Sacramento Valley Air Basin, Yuba County and that portion of Sutter County outside of the Sutter Buttes area were redesignated as attainment, and Yolo and Solano Counties were redesignated as nonattainment-transitional. The North Central Coast Air Basin was also redesignated as nonattainment-transitional. The Board also amended the area designation regulations for nitrogen dioxide for a portion of CA 60 freeway in San Bernardino, Riverside, and Los Angeles Counties in the South Coast Air Basin, to nonattainment. In addition, the Board approved the establishment of two sub-county areas as separate designation areas. These smaller portions, Sutter Buttes in Sutter County in the Sacramento Valley Air Basin, and the CA 60 portion of San Bernardino, Riverside, and Los Angeles Counties in the South Coast Air Basin, will more accurately reflect air quality in those areas. The amendments to the area designation regulations affect title 17, California Code of Regulations (CCR), sections 60200, 60201, and 60203. The designations the Board adopted are summarized in Table 1.

TABLE 1

PROPOSED AREA DESIGNATIONS FOR STATE STANDARDS

(Based on 2015-2017 data)

Pollutant	Designation Area	Current Designation	Proposed Designation
Ozone	North Central Coast Air Basin	N	NA-T*
	Sacramento Valley Air Basin		
	Sutter/Yuba Counties		
	Sutter Buttes	N	N
	Remainder of Sutter County	N	A
	Yuba County	N	A
	Yolo/Solano Counties	N	NA-T*
NO ₂	South Coast Air Basin		
	CA 60 Portion of San Bernardino, Riverside, and Los Angeles Counties	A	N

Designation Categories:

A = Attainment; N = Nonattainment; NA-T = Nonattainment-Transitional; U = Unclassified.

* Changes in ozone designation from nonattainment to nonattainment-transitional occur by operation of law under Health and Safety Code section 40925.5.

A. MANDATES AND FISCAL IMPACTS TO LOCAL GOVERNMENTS AND SCHOOL DISTRICTS

The Board has determined that this regulatory action will not result in a mandate to any local agency or school district the costs of which are reimbursable by the state pursuant to Part 7 (commencing with section 17500), Division 4, Title 2 of the Government Code

A change in area designation status can result in a change in reporting requirements for local air districts, which are local government agencies. The proposed amendments could result in cost savings to local government agencies. The change in Yuba County and most of Sutter County from nonattainment to attainment for ozone will suspend reporting requirements under the Health and Safety Code sections 40910-40930 and may result in some cost savings, which are quantified in the next section. These changes would impact the Feather River Air Quality Management District which oversees these two counties.

The air districts in Yolo/Solano counties and North Central Coast air basin affected by the change from nonattainment to nonattainment-transitional have the option to suspend some reporting requirements. These districts may also experience some cost-savings if they choose to suspend the reporting. These cost savings were not quantified because they are anticipated to be minor and it is not certain if the districts would choose to suspend reporting. Finally, the change in the CA 60 portion of San Bernardino, Riverside, and Los Angeles Counties in the South Coast Air Basin for nitrogen dioxide from attainment to nonattainment does not impose any additional reporting requirements or new costs since the district has been already reporting based on ozone nonattainment.

Upon the change in the area designation from nonattainment to attainment for ozone, the Feather River Air Quality Management District is no longer required to submit a report to the Board of its plan to achieve the air quality standards every three years (triennial report), or an annual update to this plan (annual update). The air district would have been required to submit annual reports in 2019/2020 and 2020/2021 fiscal years and a triennial report in the 2021/2022 fiscal year. According to air district staff, the triennial report usually takes about seventy hours to prepare at a cost of \$84 per hour of the staff time. The district also incurs costs for legal review (\$500), publication of a public notice (\$500), and compensation for the district board (\$900). The cost of a triennial report is then estimated to be \$7,780 (i.e., \$84 x 70 hours + \$500 legal + \$500 publication + \$900 board). The two annual updates each take approximately ten hours to prepare at a cost of \$84 per hour of staff time, with a lower legal review cost of \$200 but full compensation for the district board (\$900), according to the air district. The cost of each annual update is estimated to be \$1,940 (i.e., \$84 x 10 hours + \$200 legal + \$900 board). Therefore, the total cost savings to the affected district will amount to \$11,660 (i.e., \$7,780 + 2x\$1,940) over the three-year period. The annual savings amount to \$1,940 in the current fiscal year (2019/2020), \$1,940 in the 2020/2021 fiscal year, and \$7,780 in the 2021/2022 fiscal year.

The Board has determined that this regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

In accordance with Government Code section 11346.3, the Board has determined that this regulatory action will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California.

In addition, the Board has determined that there will be no, or an insignificant, potential cost impact, as defined in Government Code section 11346.53(e), on private persons or businesses directly affected resulting from this regulatory action.

Finally, the Executive Officer has determined, pursuant to title 1, CCR, section 4, that this regulatory action will not affect small businesses because the proposed regulatory action does not contain any requirements for action.

B. CONSIDERATION OF ALTERNATIVES

Health and Safety Code section 39608 requires an annual review of the area designations for State standards. The proposed area designations reflect the most current and complete ambient air quality data, collected during 2015 through 2017. The Board considered the potential alternatives to the proposed amendments, namely the no action alternative. However, based on the available data, the Board found that the proposed amendments are more appropriate than the no action alternative, which would not be consistent with State law. Furthermore, the no action alternative would not serve to inform the public about the healthfulness of air quality.

For the reasons set forth in the Staff Report, in staff's comments and responses at the hearing, and in this Final Statement of Reasons, the Board determined that no alternative considered by the agency would be more effective in carrying out the purpose for which the regulatory action was proposed, or would be as effective and less burdensome to affected private persons, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law than the action taken by the Board.

In rejecting the no action alternative, the Board determined the proposed amendments give the public, businesses, and government an indication of whether the health-based standards are being met. This information allows the public to make more educated decisions regarding personal health and residency, as well as participation in outdoor activities. In addition, businesses and government are given the opportunity to make informed decisions regarding worker health and safety.

II. MODIFICATIONS MADE TO THE ORIGINAL PROPOSAL

There were no modifications to the original proposal. The amended regulations, which the Board adopted, are identical to those initially proposed by the staff and made available in the Staff Report released December 31, 2018.

A. NON-SUBSTANTIAL MODIFICATIONS

During the 45-day public comment period, staff identified the following non-substantive changes to Appendix C, Figure 6, page C-16 as described below:

A map, indicating designations for the National sulfur dioxide standard was inadvertently included where the map indicating designations for the State sulfur dioxide standard should have appeared. Although the maps are shaded differently, both maps show the entire State in attainment for sulfur dioxide. The corrected Figure 6 is consistent with Table 6 and shows the entire State as attainment for sulfur dioxide.

The above described modifications constitute non-substantial changes to the regulatory text because they correct a map which graphically depicts the regulation, but not to the regulation itself, and do not materially alter the requirements or conditions of the proposed rulemaking action. The regulation for sulfur dioxide, found in title 13, CCR,

section 60204, is not changed by this correction and the correction is consistent with the regulation. The correction is grammatical in nature, i.e., it replaces “State” for “National”, i.e., the corrected map replaces the “Area Designations for National Ambient Air Quality Standards” with the “Area Designations for State Ambient Air Quality Standards.”

III. DOCUMENTS INCORPORATED BY REFERENCE

No documents are incorporated by reference in this regulation.

IV. SUMMARY OF COMMENTS AND AGENCY RESPONSE

One written comments was received during the 45-day comment period in response to the February 21, 2019, public hearing notice. This comment was not responsive to the amendments in this rulemaking and therefore no response is needed.

V. Peer Review

Health and Safety Code section 57004 sets forth requirements for peer review of identified portions of rulemakings proposed by entities within the California Environmental Protection Agency, including CARB. Specifically, the scientific basis or scientific portion of a proposed rule may be subject to this peer review process. As this rulemaking only updates the labels identifying air quality in each area of the State, a peer review is not required.